

**REMARKS/ARGUMENTS**

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims comply with 35 U.S.C. § 112, comply with 35 U.S.C. § 101, are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

**Information Disclosure Statement**

The Examiner did not consider foreign language references (presumably AC-AE) because an English language translation was not provided. However, as stated in the Information Disclosure Statement ("IDS") filed on January 10, 2006, these references were cited in a search report by a foreign patent office in a counterpart application. An English-language translation of the search report was filed with that IDS. MPEP 609.04(a) III provides, in pertinent part:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart

foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

Therefore, the Examiner should consider these references.

**Rejections under 35 U.S.C. § 112**

Claims 1-4 and 8-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter. Since claims 1-4 and 8-10 have been canceled, this ground of rejection is rendered moot with respect to these claims.

**Rejections under 35 U.S.C. § 101**

Claims 1-4 and 8-10 stand rejected under 35 U.S.C. § 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in improper definition of a process. Since claims 1-4 and 8-10 have been canceled, this ground of rejection is rendered moot with respect to these claims.

**Rejections under 35 U.S.C. § 102**

Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,217,962 ("the Burton patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

First, since claims 1-4 and 8-10 have been canceled, this ground of rejection is rendered moot with respect to these claims.

Independent claim 5 concerns a method for treating non-specific inflammations caused by physical/chemical factors, by administering N-acetyl-D-glucosamine or pharmaceutically acceptable salts thereof. On the contrary, the Burton patent relates to the treatment of irritable bowel syndrome (described as inflammatory bowel disease in the Burton patent), which belongs to specific inflammations.

To a person skilled in the art, it is well known that specific inflammations are different from non-specific inflammations. Specific inflammations are supersensitive reactive inflammations mediated by cell or inflammation reactions mediated by immune complex, which are atypical specific inflammations related to immune reaction. In specific inflammations, the number of lymphocytes, plasma cells, macrophages and mast cells are increased, while the activity and immunity of T-cells in peripheral blood and intestinal mucosa are increased. Auto-antibodies and circulative immune complexes can be assayed in inflammatory bowel disease. Additionally, inflammatory bowel disease is a systematic disease, which

can be treated by immunosuppressant or glucocorticosteroid.

As indicated on page 1 of the specification of the present application, non-specific inflammation may be caused by physical factors or chemical factors. Common physical factors relate to scorching hot, insolation, crush injury, cold injury, blunt tearing, etc. Common chemical factors include strong acid burn, strong base burn or lime burn, etc. Under the action of said factors, non-specific inflammations occur in organisms. That is, local congestion, edema, increase of secretory products and exudates, pain, even skin destruction and necrosis appear, while specific infective pathogen cannot be found in the region. Hence, such inflammations are known as "non-specific inflammations".

The mechanism of non-specific inflammation lies in that vital movements of organism in different levels are concordant under normal situation, while components such as structural proteins, etc. of histiocyte are directly destroyed when physical or chemical factors occur rapidly. In such instances, the cellular structure is destroyed or the environment of cells is deteriorated. Intermediate products, such as lactic acid, pyruvic acid, etc., of tricarboxylic acid cycle accumulate in the local environment due to the continuation of original cell metabolism, and the stability of lysosomal membrane decreases due to the lack of energy supply and the accumulation of  $H^+$ . This results in a series of non-specific inflammations in cells.

At present, non-specific inflammations still cannot be effectively treated in China and foreign countries.

Supporting therapies, such as local rinsing, wet compress and transfusion, are commonly used in practice. Such conservative maintenance therapies are used mainly to oppose secondary infections and cannot control and prevent the further extension of injury. Thus, the development of new therapeutical drugs is still in need.

The mechanisms of specific inflammations and non-specific inflammations are very different and their treatment methods are also very different. It is not obvious that a drug for treating specific inflammations can be also act as an agent for treating non-specific inflammations. Consequently, claim 5 is not anticipated (and not rendered obvious) by the Burton patent. Since the remaining claims depend, either directly or indirectly, from claim 5, they are similarly patentable.

#### **Rejections under Double Patenting**

Claims 1-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending U.S. Patent Application Serial No. 10/550,784. The applicants will address this rejection if and when copending U.S. Patent Application Serial No. 10/550,784 issues. The applicants reserve the right to file a Terminal Disclaimer.

#### **New claims**

New claim 12 is similar to canceled claim 9, but depends from claim 5. New claims 13-17 depend from claim

5 and further define the claimed non-specific inflammation. These claims are supported, for example, by examples 3-6 of the specification.

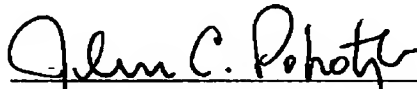
### Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,

January 04, 2008

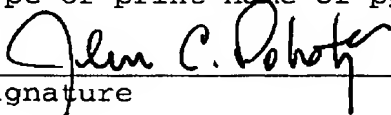
  
John C. Pokotylo, Attorney  
Reg. No. 36,242  
Tel.: (732) 542-9070

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